

# Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649  
ph: (508) 539-1400

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## Board of Health Minutes 01/08/2014

### Town of Mashpee

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

#### BOARD OF HEALTH – PUBLIC SESSION

##### Minutes of the Meeting of January 8, 2014

###### Board Members Present:

Kalliope Egloff, Chair  
Lucy Burton, Co-Chair  
Burton Kaplan, Clerk

###### Also Present:

Glen Harrington, Health Agent

Chair Kalliope Egloff called the meeting to order at 7:03 PM.

###### APPOINTMENTS

###### 7:15 PM – John and Debra Landsiedel – Title V and Local BOH Violations – 12 Monomoscoy Road West

John Slavinsky of Cape and Islands Engineering, representing John and Debra Landsiedel of 12 Monomoscoy Road West, introduced himself to the Board.

Glen Harrington stated that the compliance for 21 Monomoscoy Road West was initiated for the previous owners, the Codair's. Evidence was provided that showed the Codair's relinquished their responsibility to inspect and repair the septic to the buyers, the Landsiedel's, via the Purchase and Sale Agreement. Mr. Harrington has portions of the Purchase and Sale Agreement that deal with the relinquishing of the requirements for inspection, and the signed pages from the buyer accepting responsibility for the septic.

Mr. Harrington has spoken to Mr. Landsiedel and his attorney, Bernie Kilroy. Mr. Landsiedel had someone inspect the cesspool prior to the sale but does not remember the individual. Mr. Landsiedel claimed that he was never informed about a cesspool variance or enforceable agreement.

The property closed on May 25, 2013; the perk was performed on September 19, 2013; the final plans were received by the Board of Health on November 13, 2013; and revised plans were submitted on December 20, 2013, after staff comments.

Lucy Burton made a motion that the Board of Health fine the current owners of 12 Monomoscoy Road West, the Landsiedel's, \$500: \$250 for the Title V Violation and \$250 for not requesting the Variance and Enforceable Agreement. Burton Kaplan seconded the motion. The motion was unanimously approved.

###### 7:20 PM – Thomas Analetto – Title V Violations – 52 Quaker Run Road.

Glen Harrington stated that the Operations and Maintenance Contract has been provided to the Board of Health by Thomas Analetto.

###### NEW BUSINESS

1. **Sign Expense Warrants.** The Board members signed the expense warrants.

2. **Review/Approve BOH Public Session Minutes: December 11, 2013.**

Burton Kaplan made a motion that the Board of Health approve the Public Session minutes of December 11, 2013, as amended. Lucy Burton seconded the motion. The motion was unanimously approved.

3. **Variance Request: 17 Trinity Place.**

Glen Harrington informed the Board that a septic inspection was performed on November 20, 2013, for the purpose of transferring one of the commercial units to Ron Gangemi. The septic inspection report indicated that the Soil Absorption System did not have covers to grade. On November 21, 2013, a letter was sent to the Association Chairman to have the risers installed within 30 days. Mr. Gangemi is bearing the financial burden to perform the required repairs and is requesting to execute the repairs when the weather conditions improve. Mr. Gangemi would like a date of June 30, 2014.

Lucy Burton made a motion that the Board of Health approve the variance request for 17 Trinity Place with a completion date of April 30, 2014. Burton Kaplan seconded the motion. The motion was unanimously approved.

#### **4. Variance Request: 5 Cross Street.**

Glen Harrington commented that on August 28, 2013, the Board approved a variance with the condition of an enforceable agreement be entered into where the existing dwelling at 5 Cross Street is razed by December 20, 2013. The builder has requested an extension of three additional months to the agreement. The Zoning Board of Appeals and the Board of Health received the floor plans, a Title V plan, and the request for the extension on December 24, 2013.

Mr. Harrington remarked that the floor plans depict 5 bedrooms. When the buyer, Mr. Gilmartin, was in the process of requesting information for the variance, he informed Mr. Harrington that the dwelling had 2 bedrooms. However, the architect has drawn 3 existing bedrooms on the floor plans. Mr. Harrington recommends that a Board of Health Agent walk through the dwelling to determine the legal number of bedrooms. The property is in a Zone II with 8,000 square feet of land. Whatever is existing in the dwelling will be grandfathered. The final Title V design plan has not been formally submitted.

Lucy Burton made a motion that the Board of Health fine the property owners of 5 Cross Street \$500.00 for failing to comply with the Enforceable Agreement. By January 10, 2014, the Board of Health requires confirmation of the number of bedrooms by a Health Agent inspection. By March 3, 2014, the Board of Health requires the razing of the dwelling. Burton Kaplan seconded the motion. The motion was unanimously approved.

#### **5. Variance Request: 116 Popponesset Island Road.**

Richard Capen of Capewide Enterprises, representing Fred and Suzanne Luconi of 116 Popponesset Island Road, introduced himself to the Board.

Mr. Capen stated that a Title V Septic Inspection was performed at 116 Popponesset Island Road on May 22, 2013. The existing septic tank was older than 30 years and in good condition. At the time of inspection, the Board of Health regulation required replacement of the tank. However, the regulation has been amended, and a variance has been requested to leave the existing septic tank in service. The distribution box was replaced with an H-20 distribution box, and risers were added.

Lucy Burton made a motion that the Board of Health approve the variance for 116 Popponesset Island Road as presented. Burton Kaplan seconded the motion. The motion was unanimously approved.

### **OLD BUSINESS**

#### **1. 87 Lighthouse Lane.**

Glen Harrington commented that as yet, Judith and Steven Rivers of 87 Lighthouse Lane have not communicated with Kendall Ayers at the Barnstable County Septic Loan Program for a loan. Mrs. Rivers contacted the USDA for a loan, but because the property was evaluated too high, over \$300,000, the USDA cannot give them a loan. The Town of Mashpee has the ability to loan Mr. and Mrs. Rivers the money to repair the septic system from Title V funds. A lien would then be placed on the property in order to collect the funds.

The Board members discussed options for the Rivers to repair the septic system prior to the septic becoming a health hazard. The system has failed by Title V Regulation and is not considered an emergency. An emergency of the septic system is back up into the house or overflow onto the surface of the ground.

Lucy Burton proposed an idea that if Mr. and Mrs. Rivers don't apply to the Barnstable County Septic Loan Program to repair their septic system by March 3, 2014, then a minimal fine will be imposed until June 1, 2014. On June 1, 2014, the Board will reevaluate the progress and make a determination. Ms. Burton does not feel that condemning the house is an option because these people have serious hardships. The Board also considered ideas to help the Rivers in completing the necessary forms and applications for submittal.

Glen Harrington commented that he will inspect the property at 87 Lighthouse Lane monthly to be sure the system is not overflowing. Mr. Harrington offered to advise Mrs. Rivers on the situation and possibly assist with the application submittal required for the Barnstable County Septic Loan Program.

Lucy Burton made a motion that by the next Board of Health meeting if the Rivers do not have an application into either Barnstable County or the Town of Mashpee for the repair of their system at 87 Lighthouse Lane, the Board will begin fining Mr. and Mrs. Rivers \$10 a day for 30 days. If after 30 days, the application has still not been completed and therefore progress being made on the repair, the fines will increase to \$50 per day. Burton Kaplan seconded the motion. The motion was unanimously approved.

#### **ADDITIONAL TOPICS**

**None.**

#### **DISCUSSION**

##### **1. 2013 Town Report.**

Glen Harrington commented that he has prepared the 2013 Town Report. All that needs to be added is the narrative. Mr. Harrington will forward the completed report to the Board members before submitting it to the Mashpee Selectmen.

As there was no further business, Burton Kaplan made a motion to adjourn the Public Session Meeting of the Board of Health at 8:24 PM. Lucy Burton seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos  
Administrative Assistant  
Mashpee Board of Health

attachments